
Commerce & Labor Committee

HB 1318

Brief Description: Licensing soil scientists.

Sponsors: Representatives Hunt, Wood, Conway, Williams, Chandler, Green, Moeller and Morrell.

Brief Summary of Bill

- Establishes licensing requirements for soil scientists.
- Provides for the Geologist Board to administer the provisions, with advice from an advisory committee of soil scientists.

Hearing Date: 2/9/07

Staff: Joan Elgee (786-7106).

Background:

Soil science is not a licensed or regulated profession in Washington. In 2000, the Legislature enacted a licensing program for geologists under the Department of Licensing (DOL). A license is required to practice geology for others. The Geologist Licensing Board (Board) adopts rules and establishes standards of professional conduct and practice. However, some activities do not require a license, including general scientific work customarily performed by soil scientists.

The Uniform Regulation of Business and Professions Act provides standardized disciplinary procedures for the businesses and professions regulated by the DOL.

Summary of Bill:

General

Licensing requirements for soil scientists are established. To practice soil science for others or represent oneself as a soil scientist requires a license. The Board administers the provisions with the advice of an advisory committee.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Soil science is the science that involves the study of various aspects of the living soil ecosystem and includes soil physics; soil chemistry and mineralogy; soil biochemistry; soil fertility; and soil genesis, morphology, and classification. Geology, engineering, agronomy, forestry, and horticulture are distinguished from soil science.

Activities Subject to Licensing

A person practicing or offering to practice soil science for others or representing that he or she is a soil scientist must be licensed. The practice of soil science includes the collection of soil science data, consultation, investigation, evaluation, interpretation, planning, soil mapping, or inspection relating to soil science, the performance of which is related to public welfare or the safeguarding of life, health, property, and the environment.

Practicing for others means preparing reports, documents, or exhibits when the materials are disseminated or made available in such a manner that people may reasonably be expected to rely on them. In-house reports, documents, or exhibits are not the practice of soil science for others.

Activities Exempt from Licensing

The following activities are exempt:

- Work performed by an employee as long as a licensed soil scientist remains responsible for the work;
- Soil science work performed by officers and employees of the United States;
- The teaching of soil science or performing soil science research;
- The practice of certain defined engineering activities; or the practice of other licensed or registered professions, such as on-site wastewater treatment designers, certified crop advisers, certified professional agronomists, and persons with pesticide licenses, so long as the work is incidental to the licensed practice.
- General scientific work customarily performed by such scientists as chemists, archaeologists, geologists, geographers, hydrologists, oceanographers, wetland scientists, agronomists, crop scientists, horticulturalists, and foresters, so long as the work does not include the design and execution of soil science investigations, being in responsible charge of soil science, and the drawing of soil science conclusions and making recommendations in way that can be shown to negatively impact the public health, safety, or welfare; and
- Testifying and related activities under certain limits.

Licensing Requirements

An applicant must:

- Be of good moral and ethical character;
- Have graduated from a satisfactory course of study in soil science or satisfy educational equivalents;
- Have a minimum of five years of experience in soil science, with at least three years of the experience under the supervision of a licensed soil scientist or another qualified person. Up to two years of the experience may be gained through graduate education;
- Pass an exam covering the fundamentals and practice of soil science as determined by the Board; and
- Meet other requirements established by the Board.

A grandfather clause provides that before July 1, 2009, a person is qualified for licensing without an exam. A reciprocity clause allows a person holding a valid license or certification from another jurisdiction and meeting the licensing requirements of Washington to obtain a license without an exam.

Unprofessional Conduct

In addition to unprofessional conduct described in the Uniform Regulation of Business and Professions Act, a number of other acts are listed as unprofessional conduct, including:

- Acting contrary to the accepted standard of professional conduct generally expected of those practicing soil science;
- Aiding or abetting unlicensed practice;
- Failing to respond to inquiries from clients or other professionals regarding conflicts in a manner that would be expected from a prudent practitioner;
- Modifying another licensee's work under certain conditions; and
- Accepting gratuities from contractors and others.

Advisory Committee

An advisory committee is established to provide recommendations to the Board regarding rules and review of complaints and investigations. The committee consists of five persons appointed by the Director of the DOL. The members meet specified professional and residential requirements.

Other

Other provisions address the use of a seal, program fees and fines, and other administrative matters.

Rules Authority: The Director of the DOL must adopt rules as approved by the Board to carry out the provisions.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect July 1, 2007.